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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/610,107  
Filing Date: July 05, 2000  
Appellant(s): KOSHIBA, KEIICHI

JOSHUA M. POVSNER  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 03/26/09 appealing from the Office action mailed 10/24/08.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

A1. Claims 50, 51, 54-75 and 84-89 are rejected under 35 U.S.C. 102(e) as anticipated by **Ferris et al (2006/0288374) previously cited** or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Ferris et al (2006/0288374)**.

.As to claim 50, note the **Ferris** reference figures 1-4, discloses a communication system and method and further discloses a data management method, comprising:

Providing a plurality of information units (fig.3, Broadcasters 'BCS' 402), each information unit being a part of a broadcast program and carrying information representing one of various items in the broadcast program, the broadcast program being provided to an information recipient by a unidirectional communication (via Content T/X 404) from an information provider.([0048-0049]), note BCS-402 generates content from a number of sources 403 including video cameras, video played tape, infomercials and commercials via 401, all being processed by a plurality of units where the combined content stream is fed into transmission mechanism 404 for broadcast to user's home

Receiving, at an information manager (fig.3, Central Processing Station 'CPS' 420) from a first communications device (TV-405/Handset 417) associated with an information recipient, and independently of a second communication device (PC-419) distinct from the first communications device, an information recipient verification data that identifies the information recipient and identifying data particular to and distinctly

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identifying an information unit selected by the information recipient (figs.1-4, page 1, [0014-0016], [0021-0037], [0054-0061] and [0095-0102]), the identifying data being stored in a database (Database 407/408/410/411) in association with the information recipient verification data, when the information manager receives the identifying data and information recipient verification data, and the identifying data being linked in the database to reference data associated with and defining features of the information unit selected by the information receipt (page 1, [0014-0016], [0021-0037], [0054-0061] and [0095-0102]), note that Handset device 417 includes a unique communication ID that enables the CPS-402 to identify the user and also the item selected and further established a two-way communication to allow reception and transmission of digital information and also store user's name and address in database 410; and

Permitting access to the information manager from the second communications device (PC-419, includes a unique communication ID that allows the CPS-402 to identify the user and established a two-way communication to allow access to items select by the user which is held in database 410 using the user's name and address) independently distinct from the first communications device, where upon sending the information recipient verification data from the second communications device to the manager, the database enables access from the second communications device to the identifying data associated to the information receipt verification data, and in turn to the reference data linked to the identifying data over which the information manager receives the information receipt verification data and identifying data from the first communications device ([0061-0063] and [0095-0102]).

In the alternative if Applicant disagrees with Examiner, Ferris discloses a plurality of input sources and further discloses that the various input sources use various protocols to communicate data to the BCS-402.

Hence it obvious to one skilled in the art to include various processing units to efficiently process the various items from the various sponsors to a standard format, combine the items with the main content to a standard format for broadcasting to users via Content T/X 404.

As to claim 51, Ferris further discloses where the information unit from the information provider is received at the first communication device ([0014-0016], [0021-0037], [0054-0061] and [0095-0102]).

As to claim 54, Ferris further discloses where the information recipient verification data and identifying data are received from the first communications device based on a signal received from a remote controller generated when the information recipient selects the information unit, and wherein the remote controller comprises a plurality of information designating buttons for separate individuals, each information designating button corresponding to a different information recipient verification data ([0054-0063] and [0095-0101]), note the Handset 417 designates various information buttons for various function and uniquely attaches a user ID and transmits user specific information (designated button and ID) to the server, the server receives and processes a specific designated button and associated user ID and processes the request accordingly for the specific user.

As to claim 55, Ferris further discloses where the information unit is received by and presented to the information recipient using a information unit receiving device, and wherein a portable controller is used to select the information unit (page 1, [0014-0016], [0021-0037], [0054-0061] and [0095-0102]).

As to claim 56, Ferris further discloses where the information recipient verification data comprises one of a personal identification that uniquely identifies an individual information recipient, and a group identification that identifies a group of associated individual information recipients (page 1, [0014-0016], [0021-0037], [0054-0061] and [0095-0102]).

As to claim 57, Ferris further discloses where the identifying data comprises at least one of a time when the information recipient selects the information unit, and a channel by which the information recipient receives the information unit ([0065-0069] and 0095-0101]).

As to claim 58, Ferris further discloses where the identifying data comprises codes, which identify the selected information unit, the codes being applied to the content prior to the information unit being provided to the information recipient ([0048-0054], [0065-0069] and 0095-0101]).

As to claim 59, Ferris further discloses where the reference data comprises at least one of detailed information, which describes the information unit and detailed information, which describes a subject of selected information unit ([0065-0069] and 0095-0101]).

As to claim 60, Ferris further discloses where the reference data comprises at least one of date indicating information which indicates a date when the selected information unit is selected, a program indicating information which indicates an identity of the selected content as a media program, a program genre indicating information which indicates a genre of the selected information unit, a region indicating information which indicates a region in which the selected information unit is selected, and a sponsor indicating information which identifies a sponsor of the selected information unit ([0048-0054], [0065-0069] and 0095-0101]).

As to claim 61, Ferris further discloses where the reference data comprises at least one of date indicating information, program indicating information, program genre indicating information, region indicating information, and sponsor indicating information, wherein at least one of the date indicating information, the program indicating information, the program genre indicating information, the region indicating information, and the sponsor indicating information is retrieved by the second communications device as at least one retrieval key using the information manager, and wherein the at least one retrieved retrieval key is displayed on the second communications device in order based on frequency of usage ([0048-0054], [0065-0069] and 0095-0101]).

As to claim 62, Ferris further discloses where the information unit comprises at least one of audio information and video information ([0048-0054], [0065-0069] and 0095-0101]).

As to claim 63, Ferris further discloses where the information unit comprises information included in printed material ([0048-0054], [0065-0069] and 0095-0101]).



As to claim 64, Ferris further discloses where the information unit comprises at least one of broadcast information, aired information, and information disclosed at an event ([0048-0054], [0065-0069] and 0095-0101)).

As to claim 65, Ferris further discloses storing in the database, by the information manager, the information recipient verification data and the identifying data ([0048-0054], [0065-0069] and 0095-0101)).

As to claim 66, Ferris further discloses where the information recipient verification data and the identifying data are stored in the database by an apparatus external to the information manager ([0048-0054], [0065-0069] and 0095-0101)).

As to claim 67, Ferris further discloses storing in the database, by the information manager the reference data ([0048-0054], [0065-0069] and 0095-0101)).

As to claim 68, Ferris further discloses where the reference data is stored in the database by an apparatus external to the information manager ([0048-0054], [0065-0069] and 0095-0101)).

As to claim 69, Ferris further discloses where the reference data is added to the information unit prior to the information unit being selected by the information recipient ([0048-0054], [0065-0069] and 0095-0101)).

As to claim 70, Ferris further discloses where the information manager calls at least one of the information unit and the reference data upon receiving the information recipient identification and the identifying, the called at least one of the information unit and the reference data being stored in the database in association with the information recipient verification data ([0048-0054], [0065-0069] and 0095-0101)).

As to claim 71, Ferris further discloses receiving the selected information unit at the information manager; and storing the selected information unit in the database by the information manager ([0048-0054], [0065-0069] and 0095-0101]).

As to claim 72, Ferris further discloses where receiving the selected information unit at the information manager, where the selected information unit is stored in the database by an apparatus external to the information manager ([0048-0054], [0065-0069] and 0095-0101]).

As to claim 73, Ferris further discloses where the information recipient receives the information unit using at least one of a set top box and a television receiver ([0048-0054], [0065-0069] and 0095-0101]).

As to claim 74, Ferris further discloses where the information recipient verification data comprises one of a code particular to a information unit receiving device, a code particular to an identifying data transmission device, and a code particular to the information recipient who selects the information unit ([0048-0054], [0065-0069] and 0095-0101]).

As to claim 75, the claimed “An information manager that receives, from a first communications device associated with an information recipient...” is composed of the same structural elements that were discussed with respect to the rejection of claim 50.

As to claim 84, the claimed “A data management method, comprising... is composed of the same structural elements that were discussed with respect to the rejection of claim 50.

As to claim 85, the claimed “A data management system, comprising... is composed of the same structural elements that were discussed with respect to the rejection of claim 50.

Claims 86-89 are met as previously discussed with respect to claim 50.

### **(10) Response to Argument**

With respect to claims 50, 51, 54-75 and 84-89 rejected under 35 U.S.C. 102(e) as anticipated by **Ferris et al (2006/0288374)** or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Ferris et al (2006/0288374)**, the Examiner disagrees that the rejection is improper and should be reversed. Appellant discusses the prior art of record and argues that “FERRIS does not disclose or suggest ‘information units’ as recited in claim 50” (see page 11+ of Appellant’s Brief) that “FERRIS does not disclose or suggest the characteristics of the combination of ‘information units’, ‘information recipient verification data’, ‘identifying data’ and ‘reference data’ as recited in claim 50” and that the rejection of all the claims using Ferris is not proper (see page 16+ of Appellant’s Brief).

In response, Examiner disagrees with assertion for several reasons. Examiner notes Applicant’s arguments, however Ferris meet all the claims limitations as follows: Ferris discloses a plurality of information units (see fig.3, Broadcasters ‘BCS’ 402), each information unit being a part of a broadcast program and carrying information representing one of various items in the broadcast program, the broadcast program being provided to an information recipient by a **unidirectional communication (via**

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**Content T/X 404)** from an information provider.([0048-0049]), **BCS-402 generates content from a number of sources 403 including video cameras, video played tape, infomercials and commercials via 401, all being received into various mediums or units and processed accordingly by a plurality of units. BCS-402 inserts information items within appropriate portions of the stream and the combined content stream is fed into transmission mechanism 404 for broadcast to user's home.** Ferris further discloses receiving, at an information manager (fig.3, Central Processing Station 'CPS' 420) from a first communications device (TV-405/Handset 417) associated with an information recipient, and independently of a second communication device (PC-419) distinct from the first communications device, an information recipient verification data that identifies the information recipient and identifying data particular to and distinctly identifying an information unit selected by the information recipient (figs.1-4, page 1, [0014-0016], [0021-0037], [0054-0061] and [0095-0102]), the identifying data being stored in a database (Database 407/408/410/411) in association with the information recipient verification data, when the information manager receives the identifying data and information recipient verification data, and the identifying data being linked in the database to reference data associated with and defining features of the information unit selected by the information receipt (page 1, [0014-0016], [0021-0037], [0054-0061] and [0095-0102]), **the Handset device 417 includes a unique communication ID that enables the CPS-402 to identify the user and also the item selected and further established a two-way communication to allow reception and transmission of digital information and**

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**also store user's name and address in database 410; and permits access to the information manager from the second communications device (PC-419, includes a unique communication ID that allows the CPS-402 to identify the user and established a two-way communication to allow access to items select by the user which is held in database 410 using the user's name and address) independently distinct from the first communications device, where upon sending the information recipient verification data from the second communications device to the manager, the database enables access from the second communications device to the identifying data associated to the information receipt verification data, and in turn to the reference data linked to the identifying data over which the information manager receives the information receipt verification data and identifying data from the first communications device ([0061-0063] and [0095-0102]).** The Handset 417 also includes various displayable choices for different users and various information designated buttons and the Handset 417, uniquely attaches a user ID and transmits a specific user information (a designated button and associated user ID) to the server, where the server identifies each specific button and associated user ID and processes the request accordingly for the specific user. Ferris meets all the claim limitations as discussed, however in the alternative, Ferris discloses a plurality of input sources and further discloses that the various input sources use various protocols to communicate data to the BCS-402. Hence it obvious to one skilled in the art to include various processing units to efficiently process the various items from the various sponsors to a standard format, combine the items with the main content to the standard

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format for broadcasting to users via Content T/X 404. Accordingly the rejection using Ferris is deemed proper, meets all the claims limitations and should be sustained.

Appellant is reminded that a reference can be relied upon for all that would have reasonably suggested to one of ordinary skill in the art, including non-preferred embodiments and further that, disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments, see MPEP 2123. In the alternative rejection under 103(a) as obvious over Ferris as discussed above, Ferris discloses a plurality of input sources and further discloses that the various input sources use various protocols to communicate data to the BCS-402. Hence it is obvious to one skilled in the art to include various processing units to efficiently process the various items from the various sponsors to a standard format, combine the items with the main content to the standard format for broadcasting to users via Content T/X 404. Accordingly the rejection using Ferris is deemed proper, meets all the claims limitations and should be sustained.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

Primary Examiner, Art Unit 2424

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